

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANLEY PRICE,

Plaintiff,

Case No. 09-13081

HON. BERNARD A. FRIEDMAN

vs.

MICHIGAN STATE TREASURER,

Defendant.

**MEMORANDUM OPINION AND ORDER ADOPTING MAGISTRATE JUDGE
MORGAN'S REPORT AND RECOMMENDATION DATED DECEMBER 14, 2010,
GRANTING DEFENDANT'S MOTION TO DISMISS [D.E. 17] AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [D.E. 16]**

This matter is before the Court on Magistrate Judge Virginia M. Morgan's Report and Recommendation dated December 14, 2010 ("R and R"). The R and R recommends that the Court deny Plaintiff's summary judgment motion and grant Defendant's Motion to Dismiss. No objections were filed thereto.

This Court had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons. As the R and R explains, Plaintiff does not offer any arguments in support of his motion for dispositive relief. In addition, Plaintiff's claims are barred by the *Rooker-Feldman* doctrine which, the Sixth Circuit has held, precludes challenges, such as Plaintiff's, by prisoners to state court judgments authorizing asset seizure under Michigan's State Correctional Facility Reimbursement Act ("SCFRA"), M.C.L. 800.401 *et seq.*, Abbott v. Michigan, 474 F.2d 324, 332 (6th Cir. 2007). As Plaintiff's alleged injuries arise as a direct result of a state-court judgment authorizing the seizure of his pension,

Plaintiff's claims may not proceed, and his complaint must be dismissed.

Accordingly,

IT IS ORDERED that Magistrate Judge Virginia M. Morgan's Report and Recommendation dated December 14, 2010, is hereby accepted and adopted.

IT IS FURTHER ORDERED THAT Plaintiff's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss is GRANTED.

Dated: January 5, 2011
Detroit, Michigan

S/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon counsel of record by electronic and/or first-class mail.

S/Carol Mullins
Case Manager to Judge Friedman